

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CADENCE RENE' SALLE,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JASON ALLEN SCHEFFLER,

Respondent-Appellant.

UNPUBLISHED

July 26, 2005

No. 259752

Isabella Circuit Court

Family Division

LC No. 04-000055-NA

Before: O'Connell, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The minor child was brought into care while respondent was incarcerated for third-degree child abuse, relating to respondent's three other children, because the minor child's mother was unable to care for the child. Because of his incarceration, respondent had not provided care or custody for, or bonded with, the minor child. Expert testimony by a psychologist, who gave respondent a psychological evaluation, concluded that respondent was not a good candidate to receive custody of the minor child because of his inability to control his anger or understand the triggers for his anger and his inadequate knowledge about parenting a young child. The expert opined that it would take at least five years, maybe longer, before he would feel comfortable recommending that respondent have custody of the minor child. In addition, respondent's testimony was problematic because it showed that he did not understand that he had a serious anger problem and felt that he had this issue under control. Taking into account that the minor child was almost one year old at the time of the termination trial, the evidence was clear and convincing that there was no reasonable likelihood that respondent would be able to provide proper care or custody for the child within a reasonable time and that she would likely be harmed if placed in respondent's custody. MCL 712A.19b(3)(g) and (j).

Finally, the court did not clearly err when it found that MCL 712A.19b(3)(i) was met by clear and convincing evidence. The evidence does not support respondent's argument that he was not given an opportunity to show that he was rehabilitated. Respondent was provided services in 2002 and 2003 when his parental rights to his three other children were at issue. He failed to comply with the conditions of his parent agency agreement at that time and voluntarily relinquished his parental rights to those three children. Moreover, the expert testimony in the present case indicated that it would take years for respondent to be in a position to adequately care for the minor child, if ever.

Affirmed.

/s/ Peter D. O'Connell

/s/ Bill Schuette

/s/ Stephen L. Borrello